C.F. 1.

1928.

Department of R.O.

OFFICE Board of Rev

STATION Chepauk

Ms No. 4276. N.F.D

10-12-28

Dated 20.12.28

To whom sent		Date	Initial.
	Given for copying		
	Copied		
	Examined		
	Signed		
	Given for despatch		
	Despatched		
	Indexed		
Pages in the file	To be destroyed on		

(SUBJECT.)

Suit (S. Kamara) - High Ct - A.S. No 259/21
Daladi Escheat - Appeal to The Pte. Compromise
Legal advice to the Secy of State for India -
Approved - G.O. Recorded.

* Not to be filled in in the case of permanent records.

A2826

Ref.on A3- 4477-21.

South Kanara Collector's Office,

Camp, Mudabidri, Dated 27-11-28.

From

G. W. Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Suits (South Kanara) -High Court -A.S.259/21 - Haladi escheat -Properties of Durgi Shedthi -compromise.

The Government sanctioned the compromise of this suit which is under appeal to the Privy Council on certain terms in G.O.No.Mis.873, Rev.dated 18-4-1928 communicated with B.P.Misc.No. 1429/Confl) dated 30-4-28. The defendant having subsequently contended for a reduction of the value of the property, the value was reduced to Rs 5000/- in G.O.No.2220 Mis.Rev (conl) dated 25-9-28 communicated with B.P.Mis. No. 3188 (Confdl) dated 27-9-28.

2. As directed in the latter B.P. the defendant was apprised of the terms of compromise as finally accepted and he was asked to withdraw immediately from the appeal now pending in the Privy Council and pay the amount of Rs 4125-12-10 on account of costs and Rs 5000/- on account of value of the property, so that Government may withdraw from the execution and also withdraw the amount of Rs 1903-0-10 deposited in the Sub-court and convey the property to the defendant's family by a sale deed under the terms of the compromise.

3. The defendant Duggappa Bhandari paid Rs 5000/- on account of value of property and Rs 125-12-10 in part payment of the costs on 25-10-28 and has now filed a petition dated 22-11-28 (copy enclosed) requesting that he may be given time

to pay the balance of Rs 4000 on account of costs till the said amount already deposited by him as security for costs of Government on account of the Privy Council appeal is available for withdrawl from the Court. The defendant also says that he learns from his Vakil that he has advised the Counsel in Privy Council to withdraw the appeal, but that unless the Government consents to the withdrawl and advises its Counsel not to oppose such withdrawl, he (the defendant) will be mulcted with costs. He therefore requests that the Counsel for Government may be given necessary intimation of the compromise.

4. As the defendant's request seems to be reasonable, I recommend that it may be complied with.

5. I also request orders whether I can instruct the Government Pleader Mangalore to withdraw (from) the execution and also withdraw the amount of Rs 1903-0-10 from the Sub-court without waiting for the payment of the balance of Rs 4000/- still due by the defendant.

Your obedient servant,

H Sanders

For Collector.

29-11-28

Enclosure. 3

Copy of petition Dated 22-11-1928.
From - Dugappa Bhandary, grandnephew of Veeranna Shetty, residing in Haladi in Udipi Taluk.

Re. A.S. No.259/1921 on the file of the Madras High Court (Haladi Escheat Case) under appeal to the Privy Council.

---

1. That your petitioner is the Defendant in the A.S.No.259/1921 on the file of the Honourable the High Court of Fort Saint George now under appeal before the Privy Council.

2. That as per the compromise agreed upon in the above case and agreeably to orders passed by your Honour in Ref.on A3-4477-21 dated 3-10-28, your petitioner has on 25-10-1928 credited to the account of the Government a sum of Rs 125-12-10 for costs in A.S.No. 259/1921 and Rs 5000 for the price of the property fixed by Government in G.O.Mis. 2220/25-7-1928.

3. That your petitioner had petitioned to your Honour on 26-10-1928 for time for depositing the balance of Rs 4000 due for balance costs and a fortnight's time was granted as per Ref.onA3 4477-21 dated 1-11-1928.

4. That your petitioner thereupon advised his legal advisor in Madras to withdraw the appeal and also take back the Rs 4000/- deposited as security for costs of the Government.

5. That your petitioner learns from his Vakil that he has advised the Counsel in Privy Council to withdraw the appeal, but that unless the Government consents to the withdrawl and advises its Counsel not to oppose such withdrawl, your petitioner will be mulcted with costs. Your petitioner therefore humbly prays that your Honour may be pleased to intimate the fact of compromise to the Revenue Board and the Counsel for the Secretary of State for India so that the appeals pending in the Privy Council may be withdrawn expeditiously.

6. That your petitioner further submits that he is advised that the sum of Rs 4000/- already deposited by him as security for costs cannot be got back till the appeal is disposed off.

7. That your petitioner has already had to deposit large sums

of money and is hard-pressed for money and so he prays that he may be given further time till the appeals are withdrawn and the money is available. The said sum of Rs 4000/- will be forthwith withdrawn and redeposited for costs.

8. That this petitioner has no objection to the Government withdrawing Rs 1903-0-10 ~~is~~ deposited by it for costs,

and for such other and further reliefs that may be deemed fit and proper.

Suit (S. Kanara) - High Ct -
AS-259/21 - Halади Escheat -
Compromise

pp/12/28 A 4840/28 - A

Ref (Comp) A 4840-28 - 1.05-12-28

Submitted to Government for orders

4.12.28
RW
5/12

4/12/28

4/12/28 Crumbaswamy

DESPATCHED
5 DEC 1928

To The Secy to Govt. R.D.
with a copy of a petn

Copy to the Collr of S. Kanara.

Sectt. II-15 (a)—31,000—25-10-27

6

A 5092

BOARD OF REVENUE LAND REV. SETTLEMENT 19 DEC 1928

Received 19 DEC 1928. Registered 19 DEC 1928 1928.

Abstract.

Suits (South Kanara) - High Court - A.S.No.259 of 1921 - Haladi Escheat - Appeal to the Privy Council - Compromise - Legal Adviser to the Secretary of State for India informed.- G.O. Recorded.

Res^n (Mis). 4276 20.12.28. Recorded.

19/12/28 19.12.28.

N.F.S

Revenue DEPARTMENT.

G.O. No. Mis. 2936 , dated 15th December 1928.

ENCLOSURES.

No.

READ the following papers:—

G.O.No.Mis. 873 Revenue dated 18th April 1928.
G.O.No.Mis. 2220 (Confdl.) Revenue dated 25th September 1928.
From the Board of Revenue, Land Revenue & Settlement, Ref.No.A.4840/28-10(Confdl.) d/5.12.1928.

O r d e r:-

The Government have no objection to the defendant, Duggappa Bhandari, being given time to pay the balance of Rs.4,000/- still due from him on account of Government costs, until he receives permission to withdraw the amount of Rs.4,000/- deposited by him as security for costs in the appeal to the Privy Council. The Collector may also withdraw the execution and the amount of Rs.1,903-0-10 deposited in the Sub-Court. The property should not, however, be conveyed to the defendants until all the terms of the compromise have been completely fulfilled.

2. The following letter will be sent to the Legal Advisor to the Secretary of State for India, London.

(By Order of the Governor in Council)

H.R.Pate,
Secretary to Government.

To the Board of Revenue, Land Revenue & Settlement (with encl.).
" Collector of South Kanara (with encl.).

F o r w a r d e d
(By Order)

Superintendent.

SRM. 17.12.28.

REVENUE DEPARTMENT.

No. 2937.

From

H. R. Pate Esquire, I. C. S.,

Secretary to the Government of Madras,

To

The Legal Adviser to the

Secretary of State for India, London.

Dated Fort St. George, the 15th December 1928

Sir,

Suits - (South Kanara) - High Court A.S.No.259 of 1921 - Haladi Escheat - Appeal to the Privy Council -

*****

With reference to Mr. Hall's letter No.968, dated 23rd May 1927 and your letter dated 14th June 1927, I am directed to state that this Government have sanctioned the compromise of the appeal preferred to the Privy Council by the defendants against the decision in A.S.No.259 of 1921 on the file of the High Court. A copy of the terms of the compromise is enclosed. The Government understand that the defendants have instructed their counsel in England to withdraw the appeal before the Privy Council in accordance with clause 1 of the terms of compromise. I am directed to inform you that the withdrawal need not be opposed on behalf of the Government.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd) H R Pate.

Secretary to Government.

8

T E R M S.

(1) The defendants will withdraw from the appeal now pending before the Privy Council.

(2) The defendants will give up their claim for the amounts decreed on account of costs in the Sub-Court and in the High Court, and of improvements effected to the property

(3) The defendants will pay the costs incurred by the Government in the Sub-Court and in the High Court, viz., Rs.4,125-12-10.

(4) The Government will give up their claims for mesne profits decreed.

(5) The Government will convey to the defendant's family items I and III of the suit property and the muli right in item II of the suit property on payment by the defendant's family to the Government of Rs.5,000/-.

******